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MARTIN & FERRARO, LLP

ATTORNEYS AT LAW

17383 SUNSET BLVD, SUITE 315
LOS ANGELES, CALIFORNIA 90272

Telephone
(310) 286-9800

Facsimile
(310) 286-2795

FACSIMILE TRANSMITTAL

TO:

Name: Mail Stop AMENDMENT
Group Art Unit 3738
Examiner Paul B. Prebilic

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

Subject: U.S. Patent Application No. 09/593,591

Gary K. Michelson

Filed: June 13, 2000

MANUFACTURED MAJOR LONG BONE RING
IMPLANT SHAPED TO CONFORM TO A
PREPARED INVERTEBRAL IMPLANTATION
SPACE

Attorney Docket No. 101.0078-00000

Customer No. 22882

Confirmation No.: 5619

FROM:

Name: Amedeo F. Ferraro, Esq.

Phone No.: 310-286-9800

No. of Pages (including this): 6

Date: October 16, 2007

Confirmation Copy to Follow: NO

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

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Miyabi Grace Forker

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FORM PTO-1083

Attorney Docket No.: 101.0078-0000
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of:

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Confirmation No.: 5619

Art Unit: 3738

Examiner: Paul B. Prebilic

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is a Reply to the Office Action dated July 16, 2007 in the above-identified application.

No additional fee is required.

Applicant hereby requests a ***-month extension of time to respond to the above office action.

The total amount of \$***.00 to cover the *** -month extension fee is to be charged to Deposit Account No. 50-3726.

The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-3726.

A copy of this sheet is enclosed.

Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims

Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,
MARTIN & FERRARO, LLPBy: Amedeo F. Ferraro
Registration No. 37,129

Date: October 16, 2007

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (310) 286-9800
Facsimile: (310) 286-2795

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MARTIN & FERRARO, LLP

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Amadeo F. Ferraro
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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Confirmation No.: 5619
Gary K. Michelson)
Serial No.: 09/593,591)
Filed: June 13, 2000) Group Art Unit: 3738
For: MANUFACTURED MAJOR LONG) Examiner: Paul B. Prebilic
BONE RING IMPLANT SHAPED)
TO CONFORM TO A PREPARED)
INTERVERTEBRAL IMPLANTATION)
SPACE)

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

In reply to the Office Action dated July 16, 2007, the following remarks are submitted:

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, 7-12, 14, 16, 85, 86, 88, 89, 91-96, 98, 100, 102-105, 116, 117, 163, 164, 166, 168-173, 175, 179-180, 203, 204, 206, 208, 209, 211, 213, 215, 223, 224, 228-229, 231, 233, 235, 239, 240, 263, 264, 266, 268-269, 271, 273, 275, 279, and 280 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,989,289 to Coates et al. ("Coates"); and rejected claims 1-2, 4, 5, 7-20, 22, 25, 30, 32-35, 85, 86, 88, 89, 91-106, 109, 114-119, 127-129, 148, 158, 163, 164, 171, 174, 175, 179, 180, 203, 204, 206, 208-211, 213-215, 219, 220, 223, 224, 226, 228-231, 233-235, 239, 240, 263, 264, 266, 268-271, 273-275, 279, and 280 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,277,149 to Boyle et al. ("Boyle"). Applicant respectfully traverses the rejections.

Applicant's independent claims 1, 85, 163, 203, 223, and 263 recite an interbody spinal implant having an opening, "a majority of said opening being between said leading end of said body and a plane perpendicular to and bisecting the length of said body along the mid-longitudinal axis." Neither Coates nor Boyle teach or suggest such structure.

Coates teaches a spinal spacer (110, 300) having an opening (130) between the leading and the trailing ends. (See Coates, FIGS. 1, 15). In Coates, a plane

Reply to OA 10-16-07